

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**ESSEX INSURANCE COMPANY**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 4:06CV23-P-B**

**ANNETTE PARNELL, on behalf  
of the Estate of the Wrongful Death  
Beneficiaries of Albert O'Neal  
Lindsey, Sr., Deceased, GREENVILLE  
CONVALESCENT HOME, INC.;  
and BONNIE HATTEN**

**DEFENDANTS**

**ORDER**

This cause is before the Court on the defendant Annette Parnell's Motion to Dismiss, Or In the Alternative, Remand to State Court [9-1]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

In accordance with the Memorandum Opinion entered contemporaneously herewith, the motion is not well-taken and should be denied.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Annette Parnell's Motion to Dismiss, Or In the Alternative, Remand to State Court [9-1] is not well-taken well-taken and should be, and hereby is, DENIED. IT IS FURTHER ORDERED that the stay imposed by Judge Eugene M. Bogen on March 23, 2006 is hereby LIFTED. IT IS FURTHER ORDERED that the parties are to contact the magistrate judge to request an initial case management conference within ten (10) days of the entry of this Order, or on or before November 17, 2006.

SO ORDERED, this the 30<sup>th</sup> day of October, 2006.

/s/ W. Allen Pepper, Jr. \_\_\_\_\_  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE